

REMARKS

Claims 1, 3-17 and 19-36 are in the application.

Allowed Claims

In the Office Action, the Examiner has indicated that claims 17-33 are allowed. The Applicants thank the Examiner for allowing these claims.

§ 112 Rejections

In the Office Action, claims 1-16 and 34-36 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Claims 1 and 34-36 have been amended to further change the words “the message” with the words “the incoming message.”

Claim 34 has been further amended to change the word “code” to “codes” in the preamble.

The Applicants believe the above amendments to claims 1 and 34-36 overcome the § 112 rejections and therefore respectfully request that the above-rejections to these claims be withdrawn.

With regards to claim 35, the Examiner notes that the single device for creating a computer digital signal claimed therein does not constitute any statutory subject matter. The Applicants respectfully disagree.

The MPEP at § 2106 states that:

“As cast, 35 U.S.C. 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent; namely, processes, machines, manufactures and compositions of matter.... A claim limited to a machine or manufacture, which has a practical application in the technological arts, is statutory.”

The Applicants respectfully submit that the subject matter of claim 35 falls within patentable subject matter as defined by 35 U.S.C. § 101. Specifically, claim 35 claims “a device for creating a computer digital signal.” A device that creates a digital signal falls within the

category of a machine in that it is a concrete thing consisting of parts or of certain devices and combination of devices, or manufacture in that it is a production of articles for use from raw materials and gives these materials new forms, qualities, properties or combinations. For example, the device may be computer logic that is designed to generate digital signals. This computer logic may consist of various combinations of logic gates which from their raw form are combined (e.g., wired) to generate digital signals. In addition, the claimed device has a practical application in the technological arts which is that it "creates a computer digital signal." Creating a digital signal falls within the art of digital communications which is a technological art. For these reasons, the Applicants respectfully urge that the device claimed in claim 35 is statutory and that claim 35 does not warrant further amending.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: 9/12/05